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6 UNITED STATES DISTRICT COURT FOR THE  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 HOLLY REIN,

10 *Plaintiff,*

11 v.

12 THRIFTY PAYLESS, INC., d/b/a RITE  
13 AID PHARMACY, and RITE AID LEASE  
14 MANAGEMENT COMPANY, d/b/a RITE  
AID,

15 *Defendants,*

16 THRIFTY PAYLESS, INC., d/b/a RITE  
17 AID PHARMACY, and RITE AID LEASE  
18 MANAGEMENT COMPANY, d/b/a RITE  
AID,

19 *Third-Party Plaintiffs,*

20 v.

21 DURO HILEX POLY, LLC, a Delaware  
corporation,

22 *Third-Party Defendant)*  
23

CASE NO. 2:19-cv-00522-BJR

ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY  
OF VIDEO FOOTAGE RITE AID  
ALLEGEDLY HAS OF PLAINTIFF AND  
FOR SANCTIONS

24 Before the Court is Plaintiff's Motion to Compel Rite Aid to produce surveillance video  
25 taken of Plaintiff in this personal injury case, and for sanctions for not producing the video sooner.

1 Mot. to Compel, Dkt. No. 127. The Court has recounted the background of this case in previous  
2 orders. *See* Order, Dkt. No. 97 at 2–3.

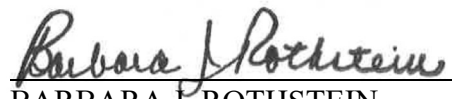
3 Rite Aid responds that it should not be compelled to produce any surveillance video taken  
4 of Plaintiff because it does not intend to use the video during the upcoming trial in this matter, and  
5 the video is protected by attorney work product privilege. *See* Rite Aid’s Resp. to Pl.’s Mot. to  
6 Compel, Dkt. No. 130.

7 Surveillance video, such as that allegedly taken of Plaintiff by Rite Aid’s investigator in  
8 anticipation of trial, is protected work product. *See Fletcher v. Union Pac. R.R. Co.*, 194 F.R.D.  
9 666, 670 (S.D. Cal. 2000). Pursuant to Federal Rule of Civil Procedure 26(b)(3), a Plaintiff may  
10 compel production of such privileged evidence only if they can show “substantial need for the  
11 materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent  
12 by other means.” FED. R. CIV. P. 26(b)(3)(A)(ii); *see also Fletcher*, 194 F.R.D. at 670–71. Plaintiff  
13 does not need the video to prepare for trial as Rite Aid has stated that it does not intend to use the  
14 video at trial. *Fletcher*, 194 F.R.D. at 672. As Plaintiff claims no other need for the video in  
15 question, the Court finds she has failed to show substantial need.  
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18 The Court hereby DENIES Plaintiff’s Motion to Compel and Motion for Sanctions.

19 SO ORDERED.

20 DATED this 17th day of June, 2021.

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23 BARBARA J. ROTHSTEIN  
24 UNITED STATES DISTRICT JUDGE  
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